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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,719	09/08/2003	Ronald Salisbury		8259
7590	09/22/2004		EXAMINER	
Steven W. Webb Law Offices of Steven W. Webb 655 2nd Street Encinitas, CA 92024			GHATT, DAVE A	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/656,719	SALISBURY, RONALD
<b>Examiner</b>	Art Unit	
Dave A Ghatt	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 08 September 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,3,4,7 and 8 is/are rejected.

7)  Claim(s) 2,5 and 6 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 08 September 2003 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_  
  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claim 6 (the claim following claim 7) is objected to because of the following informalities: It appears as though the applicant inadvertently included two claims numbered "6". Maybe the applicant meant to number the claim following claim 7 as claim "8" as opposed to claim "6" as presented. Appropriate correction is required.

The applicant should note that throughout this office action, the examiner has referred to the claim following claim 7 as claim 8

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 6, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamu (US 5,097,761) in view of Vulpitta et al. (US 6,681,830). As illustrated in Figures 1, 4, and 5, Hamu teaches a screen-printing frame (10, 10b) and screen. As illustrated in Figure 5, Hamu teaches the screen printing frame having a rectangular shape, the rectangular shape comprised of four sides, the sides possessing four interior edges (not numbered), a top edge (generally illustrated at 16b at the bottom of the figure), four outside edges (not numbered), a bottom edge (generally illustrated at 16n at the top of the figure) and a plurality of support ribs

(not numbered). Figure 5 also shows the screen stretched over the top of the screen-printing frame edge of the screen-printing frame, the screen fixedly attached to the screen-printing frame. (See also Figure 6.) With respect to the requirement for the screen to be comprised of fabric, the applicant should note that in view of the teaching of screen tensioning means 20, the screen of Hamu must be a fabric material. Hamu teaches all the claimed subject matter, except for the requirement for the screen-printing frame to comprise of a single piece of material. Vulpitta et al. teaches a frame structure similar to that of Hamu. Vulpitta et al. teaches a molded frame structure. See column 4 lines 31-33 and Figure 9. To one of ordinary skill in the art, it would have been obvious to use a molded frame (single piece of material) as taught by Vulpitta et al., in the apparatus of Hamu, in order to further rigidify the housing, as outlined in column 4 lines 31-33 of Vulpitta et al.

With respect to claim 3, Figure 5 shows the plurality of support ribs is disposed in the bottom edge, the interior edges, top edge and outside edges being solid, the plurality of support ribs merging solidly into the interior and outside edges and the top edge. As outlined above, Hamu teaches all the claimed subject matter, except for the requirement for the screen-printing frame to comprise of a single piece of material. Vulpitta et al. teaches a frame structure similar to that of Hamu. Vulpitta et al. teaches a molded frame structure. See column 4 lines 31-33 and Figure 9. To one of ordinary skill in the art, it would have been obvious to use a molded frame (single piece of material) as taught by Vulpitta et al., in the apparatus of Hamu, in order to further rigidify the housing, as outlined in column 4 lines 31-33 of Vulpitta et al.

With respect to claims 7 and 8, the applicant should note that claims 7 and 8 are product claims, which only requires the single piece of material. As outlined above, Hamu in view of

Vulpitta et al. teaches the required product, i.e., a single piece of material, which is all that is required of claims 7 and 8.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamu (US 5,097,761) in view of Vulpitta et al. (US 6,681,830) as applied to claims 1, 3, 7, and 8 above, and further in view of York (US 6,435,085). As outlined above, Hamu and Vulpitta et al. teaches all the claimed subject matter, except it is not known how the screen is attached to the top edge of the screen printing frame. York teaches a screen-printing arrangement similar to Hamu and Vulpitta. Column 2 lines 21-23 of York teach the screen attached to the frame by means of an adhesive. To one of ordinary skill in the art, it would have been obvious to attach the screen of Hamu and Vulpitta et al. with an adhesive, as taught by York, because this arrangement provides non-intrusive attachment means.

#### *Allowable Subject Matter*

5. Claims 2, 5, and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 2 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed including, a screen printing frame with the rectangular shape possessing four corner support ribs, the corner support ribs each merging solidly into the material of the top edge, the bottom edge, the support ribs, and the interior edge, the corner support ribs extending from the apexes of the corners of the rectangular

shape in a straight line to the interior angle of the inside edge, the corner support rib perpendicular to the top edge, bottom edge, and all of the support ribs.

Claim 5 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed including, a screen printing frame where the top edge of the screen printing frame is inlaid with a metal liner, the metal liner attached fixedly to the top edge of the screen printing frame, the upper surface of the metal liner flush with the top edge of the screen printing frame.

Claim 6 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed including, a screen-printing frame where the four sides of the screen printing frame are bowed outwards slightly to confer greater strength to the screen printing frame.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG



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